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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,811	11/20/2001	Nick Steele	17357.2.1.2	8011
22913	7590	01/27/2010		
Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			EXAMINER WORJLOH, JALATEE	
			ART UNIT 3685	PAPER NUMBER
			MAIL DATE 01/27/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/988,811	<b>Applicant(s)</b> STEELE ET AL.	
	<b>Examiner</b> Jalatee Worjloh	<b>Art Unit</b> 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 60-71 and 74-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-71 and 74-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/13/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is responsive to the amendment filed October 9, 2009.
2. Claims 60-71 and 74-87 are pending.

### ***Response to Arguments***

3. Applicants' arguments filed October 9, 2009 have been fully considered but they are not persuasive.
4. Applicants argued that Bui does not disclose the method of claim 60, particularly, a "ticket identifying selected information elements" and "accessing by means of the host server the information account to retrieve the selected information elements and providing the selected information elements to the vendor server to complete the transaction.

However, the Examiner respectfully disagrees. According to Applicants' specification, a "ticket in the present context generally refers to temporary authorization (also referred to as an authorization" code or authorization identifier) for at least partial access to a consumer's information account" (see paragraph [0052]). Bui teaches a customer requesting that the information service provides the customer information to the merchant. The customer's request is "temporary authorization" to a "consumer's information account" and is therefore interpreted as a ticket. *See* fig. 2B and paragraph [0036]).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 60-64 and 66-70 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Publication No. 2009/0157531 to Bui.

Referring to claim 60, Bui discloses receiving a ticket at a host server from a consumer via a client device to perform a transaction, the ticket identifying selected information elements and including authorization from the client device for a vendor server to access the selected information elements from an information account associated with the consumer and maintained in a central data repository and accessible via a distributed network, the information account comprising a plurality of consumer information elements accessible and modifiable by the consumer; interacting with a vendor server to request the transaction; and accessing by means of the host server the information account to retrieve a the selected information elements and providing the selected information elements to the vendor server to complete the transaction (see Fig. 2B and related text, figures 4E, 4F, 4G, paragraphs [0054] and [0055]).

Referring to claim 61, Bui discloses receiving consumer preferences for the transaction from the client device, and wherein interacting with the vendor server to request the transaction comprises communicating the consumer preferences to the vendor server (see paragraph [0038]).

Referring to claim 62, Bui discloses retrieving consumer preferences for the transaction from the information account; and wherein interacting with the vendor server to request the transaction further comprises communicating the consumer preferences to the vendor server (see paragraph [0038]).

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Referring to claim 63, Bui discloses the method wherein the ticket from the client device further comprises authentication information; and wherein the method further comprises the step of authentication the consumer based on the authentication information prior to interacting with the vendor database on behalf of the consumer (see paragraph [0037] and Fig. 2B).

Referring to claim 64, Bui discloses wherein the authentication information comprises consumer authentication information; and whereto authenticating the consumer comprises the verifying the consumer authentication information (see paragraph [0037]).

Referring to claim 66, Bui discloses wherein the transaction involves a vendor providing a product or service to the consumer (Fig. 2B).

Referring to claim 67, Bui discloses the method wherein the transaction involves receiving at least one data file from the vendor server and storing the data file in the information account (see paragraph [0064] and Fig. 4D – receives and stores at least the acknowledgement information).

Referring to claim 68, Bui discloses maintaining the information account in a central data repository accessible via the distributed network on behalf of the consumer (see paragraphs [Fig. 2B]).

Referring to claim 69, Bui discloses receiving an acknowledgement from the vendor server indicating that the transaction has been completed and storing the acknowledgment in the information account (see paragraphs [0064], [0065] & Fig. 4D).

Claims 70, 071, 75-82, and 84-87 are rejected on the same rationale as claims 60-69 above.

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***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 65, 74, and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bui as applied to claims 60 and 70 above, and further in view of U.S. Publication No. 2006/0229944 to Walker et al. (“Walker”).

Referring to claim 65, Bui discloses the authentication information includes identifying information such as user name and password and verifying the user based on at least the user name and password (see paragraph [0037]). The sole difference between Bui and the claimed subject matter is that Bui does not disclose the authentication information includes equipment identifier. Walker discloses authentication information includes an equipment identifier that uniquely identifies the client device, and wherein authenticating the consumer comprises the step of verifying the equipment identifier (0157, device identifier). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the user name and password of Bui for the device identifier of Walker. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

Claims 74 and 83 are rejected on the same rationale as claim 65 above.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt II can be reached on 571-272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jalatee Worjloh/  
Primary Examiner, Art Unit 3685